

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

Peter Prevett

v.

Case No. 06-cv-183-PB

N.H. Supreme Court

O R D E R

Plaintiff previously litigated and lost an action in this court raising the same issues that he is raising in the current action. He lost a facial challenge to the rule on the merits and he lost an "as applied" challenge on the ground that the court lacks subject matter jurisdiction under the Rooker-Feldman doctrine. Res judicata plainly bars re-litigation of the claim that the court rejected on the merits and the First Circuit has also recognized that the same principle bars the re-litigation of a ruling that the court lacks subject matter jurisdiction. Hadge v. Second Fed. Sav. and Loan Ass'n of Boston, 409 F.2d 1254, 1257 (1st Cir. 1969). Plaintiff offers no good reason why his claim should not under these circumstances be dismissed. Defendant's

Motion for Judgment on the Pleadings (Doc. No. 9) is granted.

SO ORDERED.

/s/Paul Barbadoro

Paul Barbadoro
United States District Judge

January 11, 2006

cc: Peter D. Prevett, pro se
Andrew Livernois, Esq.